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May 30, 2024

Via ECF

Honorable Lewis J. Liman, U.S.D.J.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

RE: JC Hospitality, et al. v. Hochberg
Docket No.: 1:23-cv-02051-LJL

Dear Judge Liman:

This office represents the Plaintiffs, JC Hospitality, LLC and Jayma Cardoso ("Plaintiffs") in the above referenced matter. We write to inform you of a serious situation involving Ms. Hochberg that occurred on May 28, 2024, which requires the Court's direction and intervention. We request that the Court permit this office to file a motion for sanctions, financial penalties and attorneys' fees against Ms. Hochberg in light of this event and her continuous belligerent conduct throughout this litigation.

On Tuesday night, May 28, 2024, at 9:07 PM, Ms. Hochberg emailed the Firm's Associate, Caroline McCallan, Esq., threatening her that "law enforcement" would be taking action against her if she emailed her again. (See copy of Ms. Hochberg's email dated May 28, 2024, attached hereto as "Ex. A"). Specifically, she states in her email "***I have someone from law enforcement (on this email) who specializes in financial crimes and will be following up with you very soon.***" (See Ex. A). Ms. Hochberg then goes on to state:

I also have made the NYTimes aware of everything as I speak with the investigative journalist who contacted me about a major story she is working on about Jayma and The Surf Lodge on a daily basis.

The only reason Jayma is in business and has a liquor license right now is because of me and my dad who just DIED and she doesn't give a shit about. She's making millions because I saved her license and couldn't pay me a penny for my hard work, but instead when I asked for payment, pursued a fraudulent federal lawsuit to seek to destroy my reputation while SHE is the one being investigated by the FBI.



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Please don't contact me any further.

All the best,
Marisa

(See Ex. A).

In her email, Ms. Hochberg clearly attempts to intimidate Ms. McCallan, Esq. by using the threat of law enforcement against her for "financial crimes" and would be "following up" with her very soon. To support her threats, Ms. Hochberg copied an unknown person, Jose Febo, at jfebo@advancedproactivesolutions.net on the email to myself and Ms. McCallan, Esq. At the conclusion of Defendant's disturbing email, she states to Ms. McCallan, Esq., "Please don't contact me any further." Ms. Hochberg continues further by leveraging names like the New York Times and words like "the FBI" to intimidate Ms. McCallan. (See Ex. A).

Ms. Hochberg's conduct at this point has to stop and she should be sanctioned and financially penalized for her conduct because candidly, ***enough is enough***. As the Court is aware, since March 27, 2024, Ms. Hochberg has been acting *Pro Se* as her own counsel since her last attorney, Alexander Dudelson, Esq., fired Ms. Hochberg and withdrew from the case. As the Court knows very well, we are obligated to email Ms. Hochberg copies of all filed documents from PACER in order to ensure service of same. On May 28, 2024, Plaintiffs filed their Motion for Default Judgment against Defendant Hochberg, which Ms. McCallan emailed a copy of to Ms. Hochberg and requested her mailing address so that Plaintiffs could serve her *via* hand delivery as well. (See Ex. A). That simple email prompted Ms. Hochberg's aggressive and threatening response.

As the Court knows, Mr. Dudelson's motion to withdraw was Defendant's fourth (4th) filed motion to be relieved as counsel in this litigation thus far, and Mr. Dudelson was the second attorney to fire Ms. Hochberg and withdraw from the case because of her actions. From her attorneys' own Certifications, both Mr. Storch and Mr. Dudelson stated that Ms. Hochberg threatened them and their Firms with baseless accusations. Mr. Storch stated that Ms. Hochberg "fired the Firm and subsequently begged it to represent her, threatened the Firm and its lawyers, refused to communicate with the Firm, and refused to authorize the Firm to take actions required by the Court's scheduling orders and applicable rules". (See copy of Steven Storch, Esq. Motion to Withdraw as Counsel dated December 14, 2023, attached hereto as "Ex. B"). Similarly, Mr. Dudelson stated that Ms. Hochberg "accused [him] of patently false conduct" and advised him "that [his] conduct was being reported by a third party" and "threatened counsel with charges of harassment and malpractice" (See copy of Alexander Dudelson, Esq. Motion to Withdraw as Counsel dated February 27, 2024, attached hereto as "Ex. C").

We are also aware from counsel that Ms. Hochberg made disturbing threats upon those attorneys directly, including at least one attorneys' spouse. These actions are not only



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disturbing to me as Ms. McCallan's employer, but also by Ms. McCallan who is currently five months pregnant with her second child. Simply put, Ms. Hochberg has gone too far. Furthermore, Ms. Hochberg has also made inappropriate allegations against me in the past during this litigation. As referenced in our Letter Response to Mr. Storch's Motion to Withdraw, dated December 28, 2023, Ms. Hochberg contacted me directly while she was represented by Mr. Storch in an attempt to solicit communications that would violate my ethical duty not to communicate directly with an individual who is represented by counsel. (See copy of Plaintiffs' Letter Response dated December 28, 2023, attached hereto as "Ex. D"). Ms. Hochberg also attempted to threaten me by involving herself in an unrelated litigation in order to directly influence this case. (See Ex. D).

Pursuant to Your Honor's Order dated March 27, 2024, following Mr. Dudelson being relieved as counsel, Ms. Hochberg became obligated to act as her counsel. This Court stated that "[a]n individual defendant proceeding *pro se*, Ms. Hochberg will be ***subject to the same responsibilities*** and if she were represented, and ***will suffer the same consequences*** if she defaults in those responsibilities that she also would have were she represented." (See copy of Judge Liman's Order dated March 27, 2024, attached hereto as "Ex. E"). Your Honor confirmed that ECF and email shall be the mechanisms of service for Ms. Hochberg, as well as attempting to serve her at last known mailing address. (See Ex. E). Plaintiffs have previously requested Ms. Hochberg's current mailing address *via* email on May 1 and May 7, 2024, however, Plaintiff failed to respond. Ms. Hochberg's May 28th email proves that she is in fact receiving our emails and therefore, receiving service of our correspondence, discovery propounds, and motions.

On May 28, 2024, Plaintiffs filed a Motion for Default Judgment after Ms. Hochberg failed to appear before Judge Parker at the Court ordered Settlement Conference on May 9, 2024. In Plaintiffs' Proposed Form of Order and supporting Declaration of Counsel, Plaintiffs requested relief in the form of default judgment, attorneys' fees, and injunctive relief, specifically that Ms. Hochberg immediately and permanently remove "@thesurflodgesanctuary" Instagram handle from Instagram and to cease further use of any name, trademark, or other intellectual property associated with Plaintiffs and The Surf Lodge trademarks,

On May 1, 2024, Plaintiffs served Defendant Hochberg with Requests for Interrogatories, Document Demands, and Requests for Admissions, which we have not received responses to and are due tomorrow, May 31, 2024. To date, Ms. Hochberg has not served any discovery propounds upon Plaintiffs.

The Court is well aware that our office is obligated by Court Order and the Court Rules to email Ms. Hochberg copies of all motions, discovery, deadlines, dates, and Court Orders. Because Ms. Hochberg is representing herself at this time, our office will have to continue to email Ms. Hochberg and cannot be met with threatening responses from Ms. Hochberg each time we do so. Our office has also repeatedly requested Ms. Hochberg's current mailing address to provide service, which she has refused to provide.



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Ms. Hochberg's inappropriate conduct, abusive motion practices, deliberate delays, and intentional misuse of Plaintiffs' and the Court's time and resources is flagrantly disrespectful to our judicial system and warrants sanctions and any other penalties the Court deems fit.

We thank Your Honor for your time, courtesies, and continued efforts in this matter. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/ John J. Zidziunas

JOHN J. ZIDZIUNAS
For the Firm